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*Interim Lead Class Counsel*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

16 THE NVIDIA GPU LITIGATION ) CLASS ACTION  
17 ) Case No. C 08-4312 JW  
18 \_\_\_\_\_ ) STIPULATION TO EXTEND TIME TO  
19 This Document Relates To: ) FILE MOTION FOR CLASS  
20 ) CERTIFICATION AND CONTINUE  
21 ALL ACTIONS. ) HEARING DATE  
 ) **AND ORDER AS MODIFIED**

28 STIP TO EXTEND TIME TO FILE MOT. FOR  
CLASS CERT. & CONTINUE HR'G DATE  
Case No. C 08-4312 JW

1        This Court, in its Scheduling Order dated May 14, 2009, set a hearing date on Plaintiffs'  
 2 anticipated motion for class certification for December 7, 2009 at 9:00 a.m., and instructed the  
 3 parties to meet and confer and determine a briefing schedule to be completed by November 16,  
 4 2009. In its Order dated July 1, 2009, the Court granted the parties' stipulation to continue the  
 5 hearing date for Defendant's anticipated motion to dismiss to October 19, 2009 at 9:00 a.m. The  
 6 parties have met and conferred with respect to the briefing schedules and, based on the reasons  
 7 set forth below, request that the Court continue the hearing on Plaintiffs' motion for class  
 8 certification until after the Court hears Defendant's motion to dismiss. The parties wish to  
 9 continue the hearing on Plaintiffs' motion for class certification from December 7, 2009 to  
 10 March 22, 2010.

11       The parties are in discussions regarding discovery, have exchanged information and  
 12 documents informally and have exchanged information and documents formally pursuant to  
 13 Fed.R.Civ.P. 26. Accordingly, the case will be well underway by the time of the hearing on  
 14 Defendant's motion to dismiss and, due to certain issues that will be adjudicated as part of the  
 15 motion to dismiss, the parties agree it is more efficient to brief class certification after the Court  
 16 has made its determinations with respect to the motion to dismiss.

17       Furthermore, pursuant to the Court's comments on settlement at the February 23, 2009  
 18 Case Management Conference, the parties have met and conferred regarding settlement and plan  
 19 to hold a formal settlement conference before the end of the year. The parties do not believe it is  
 20 necessary to decide class certification prior to that conference. The parties wish to prevent the  
 21 need to notify the class twice in the event of settlement.

22       In any event, the briefing on class certification will be completed well in advance - over  
 23 three months - before the Preliminary Pretrial Conference, which is currently set for June 14,  
 24 2010. Finally, all other deadlines set forth in the Scheduling Order will remain unaffected.

25       **IT IS STIPULATED AND AGREED**, by and between Plaintiffs and Defendant, through  
 26 their counsel of record, subject to Court approval, that:

27       1.       All briefing on any motion to dismiss shall be completed by September 28, 2009;

28       STIP TO EXTEND TIME TO FILE MOT. FOR CLASS CERT. & CONTINUE HR'G DATE Case No. C 08-4312 JW		- 1 -
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1           2. The hearing on Defendant's motion to dismiss remains set on October 19, 2009;  
2           3. All briefing on the motion for class certification shall be completed by  
3 **January 5, 2010**; and

4           4. The hearing date for the motion for class certification currently set for December  
5 7, 2009 at 9:00 a.m. shall be vacated and a new hearing date for the motion for class certification  
6 shall be scheduled for **January 25, 2010 at 9 a.m.**

7 DATED: August 12, 2009

MILBERG LLP  
JEFF S. WESTERMAN  
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10 */s/ Jeff S. Westerman*

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15 *Interim Lead Class Counsel*

16 DATED: August 12, 2009

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23 *Counsel for Defendant NVIDIA Corporation*

24 PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

25 DATED: August 19, 2009

26 *James Ware*  
27 JAMES WARE  
28 United States District Judge